

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	
	§	Case No. 21-30107-hcm
PDG PRESTIGE, INC.,	§	Chapter 11
Debtor.	§	
<hr/>		
DENNIS CRIMMINS,	§	
	§	
<i>Plaintiff,</i>	§	
v.	§	Adversary No.:
MICHAEL J. DIXSON,	§	
PDG, INC., and PDG PRESTIGE, INC.,	§	
<i>Defendants.</i>	§	

NOTICE OF REMOVAL

TO THE HONORABLE H. CHRISTOPHER MOTT, U.S. BANKRUPTCY JUDGE:

Please take notice that, pursuant to 28 U.S.C. §1452(a), Fed. R. Bank. 9027 and Local R. Bank. P. 9027, Plaintiff and Creditor DENNIS CRIMMINS ("Plaintiff" or "Crimmins") removes this action entitled *Dennis Crimmins v. Michael J. Dixson, PDG, Inc., and PDG Prestige, Inc.*, Case No. D-307-CV-2020-01698, pending in the Third Judicial District Court, County of Dona Ana, State of New Mexico (the "Action"), to the United States Bankruptcy Court for the Western District of Texas, El Paso Division. In support of its Notice of Removal, Plaintiff respectfully states as follows:

I. INTRODUCTION

1. ***State Court Action.*** Plaintiff Dennis Crimmins commenced this action by filing a complaint for fraud, fraudulent transfer, and breach of contract (hereinafter referred to as the "Complaint") on April 20, 2020 in the Third Judicial District Court of the County of Dona Ana,

State of New Mexico. The case was docketed as Case No. D-307-CV-2020-01698 and styled: *Dennis Crimmins v. Michael J. Dixson, PDG, Inc., and PDG Prestige, Inc.* A true and correct copy of the First Amended Complaint is attached hereto as Exhibit A.

2. ***Bankruptcy Case.*** On February 15, 2021, Defendant and Debtor PDG Prestige, Inc. filed its voluntary petition for relief in the United States Bankruptcy Court for the Western District of Texas, bearing the cause number 21-30107-hcm. [Doc. #1].

II. BASIS FOR REMOVAL

3. ***Bankruptcy Court Jurisdiction.*** Under 28 U.S.C. § 1334 and 28 U.S.C. § 1452(a), Fed. R. Bank. R. 9027, and Local R. Bank P. 9027, this case is removable to this Court as an adversary proceeding. The Bankruptcy Court has jurisdiction of this proceeding under 28 U.S.C. §1334, because the Action is related to the Bankruptcy Case and a core proceeding. The real property at issue in Plaintiff's fraudulent transfer cause of action against Debtor is the *sole-asset* listed in Debtor's schedules.

4. This Action is a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), (H), (I) and (O). Therefore, Plaintiff files this Notice of Removal.

5. This Notice of Removal is filed within ninety (90) days after the order for relief in the case was filed and is therefore timely filed under Fed. R. Bank. P. 9027(a)(2)(A).

6. The Plaintiff consents to the entry of a final order or judgment by the United States Bankruptcy Judge.

7. The Notice of Removal includes a copy of the Case Summary (i.e. docket) and true and correct copies of all live pleadings and process that were filed in the Action as required by Fed. R. Bank. P. 9027(1) and Local R. Bank. P. 9027.

8. ***Notice.*** Concurrent with the filing of this notice, Plaintiff is serving this notice upon Defendants' counsel and filing a copy of the notice with the Clerk of Court for the County of Doña Ana, New Mexico.

FOR THESE REASONS, DENNIS CRIMMINS, Plaintiff and creditor, in conformity with the requirements set forth in 28 U.S.C. § 1452, Fed. R. Bank. P. 9027, and Local R. Bank. P. 9027 requests the removal of the action from the Third Judicial District Court, Dona Ana County, New Mexico, Case No. D-307-CV-2020-01698, to the United States Bankruptcy Court for the Western District of Texas, El Paso Division. Plaintiff respectfully requests all other relief to which he may be justly entitled.

Respectfully submitted,

ScottHulse PC
One San Jacinto Plaza
201 E. Main Dr., Suite 1100
El Paso, Texas 79901
(915) 533-2493
(915) 546-8333 (Facsimile)

By: /s/ James M. Feuille
CASEY S. STEVENSON
State Bar No. 24041975
JAMES M. FEUILLE
State Bar No. 24082989
Attorneys for Dennis Crimmins

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of April, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I further certify that I have sent a copy of the foregoing to Debtor's counsel, on this the 21st day of April, 2021.

Jeff Carruth
WEYCER, KAPLAN, PULASKI, & ZUBER, PC
3030 Matlock Road, Suite 201
Arlington, Texas 76105
jcarruth@wkpz.com

David P. Lutz
Martin & Lutz, P.C.
P.O. Drawer 1837
Las Cruces, NM 88004-1837
dplutz@qwestoffice.net
State Court Counsel

/s/ James M. Feuille
JAMES M. FEUILLE